

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Office Action dated April 10, 2009 (hereinafter Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any overpayments to Deposit Account 14-1437.

#### **Claims Rejections – 35 USC § 103**

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,732,176 to Stewart, *et al.* (hereinafter Stewart '176), in view of U.S. Patent Application Publication No. 2003/0096633 to Goldberg (hereinafter Goldberg), and further in view of U.S. Published Patent Application 2002/0133616 to Yoza, *et al.* (hereinafter Yoza). Claims 1, 5, 9, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,571,221 to Stewart (hereinafter Stewart '221), in view of Goldberg, and further in view of Yoza.

Although Applicants respectfully disagree with the rejections, Applicants have amended the claims in an effort to even more clearly define the present invention and to facilitate prosecution of the instant application.

More specifically, independent Claims 1, 5, 9, and 13 have been amended to incorporate limitations suggested by the Examiner during a telephone conversation with the counsel on May 20, 2009. It is believed that none of the cited references or any combination thereof discloses detecting a presence of the wireless device in the PAN by the ASP delivery system using service discovery protocols; determining whether the wireless device has associated with a default service if the wireless device is a valid subscriber device; and prompting the user of the wireless device for pay-per-use payment if the wireless device is not a valid subscriber device, as recited in amended independent claims of the instant application.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 5, 9, and 13. Applicants therefore

respectfully submit that Claims 1, 5, 9, and 13 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 1, 5, 9, or 13 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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